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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/820,492	04/08/2004		04819-15

John S. Beulick  
 Armstrong Teasdale LLP  
 Suite 2600  
 One Metropolitan Square  
 St. Louis, MO 63102



CONFIRMATION NO. 7284  
 FORMALITIES LETTER



\*OC000000013020135\*

Date Mailed: 06/22/2004

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*

**Items Required To Avoid Abandonment:**

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

**SUMMARY OF FEES DUE:**

Total additional fee(s) required for this application is **\$130** for a Large Entity

- **\$130** Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*

08/24/2004 EFLURES 00000003 012384 10820492

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Customer Service Center  
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



PATENT  
04819-00015

THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Bayer et al.

Serial No.: 10/820,492

Filed: April 8, 2004

For: HANDHELD BREATH TESTER HOUSING AND  
MOUTHPIECE

:  
:  
: Group Art Unit: 3736  
:  
: Examiner:  
:  
:  
:

**CERTIFICATE OF MAILING BY EXPRESS MAIL TO  
THE COMMISSIONER OF PATENTS AND TRADEMARKS**

Mail Stop: MISSING PARTS  
Commissioner for Patents  
P.O. Box 1450  
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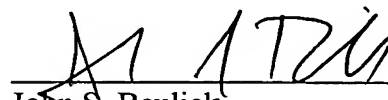
**Express Mail Mailing Label No.: EV339986066US**  
**Date of Mailing: August 20, 2004**

I hereby certify that the documents listed below:

- Response To Notice To File Missing Parts of Nonprovisional Application (1 page, in duplicate)
- Copy of Part 2 of Notice To File Missing Parts of Nonprovisional Application (2 pages)
- Declaration and Power of Attorney (2 pages of inventors David J. Bayer, M. Rankine Forrester, and Joe E. Fodor, Sr.)
- Certificate of Express Mail
- Postcard

are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. §1.10 on the date indicated above in an envelope addressed to Mail Stop: MISSING PARTS, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Respectfully submitted,

  
\_\_\_\_\_  
John S. Beulick  
Reg. No. 33,338  
Armstrong Teasdale LLP  
One Metropolitan Square, Suite 2600  
St. Louis, MO 63012  
(314) 621-5070

Express Mail No. EV339986066US



PATENT  
04819-00015

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Bayer et al. :  
Serial No.: 10/820,492 : Art Unit: 3736  
Filed: April 8, 2004 : Examiner:  
For: HANDHELD BREATH TESTER :  
HOUSING AND MOUTHPIECE :

**RESPONSE TO NOTICE TO FILE MISSING PARTS  
OF NONPROVISIONAL APPLICATION**

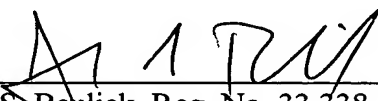
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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Notice to File Missing Parts of Nonprovisional Application (copy enclosed, dated June 22, 2004) of Bayer, et al., **Application No. 10/820,492**, enclosed is the executed Declaration and Power of Attorney of inventors David J. Bayer, M. Rankine Forrester, and Joe E. Fodor, Sr. (2 pgs.).

Additionally, the Commissioner is hereby authorized to charge Deposit Account Number 01-2384 for the late filing fee in the amount of \$130.00, as set forth in 37 CFR 1.16(e). The Commissioner is hereby authorized to charge any additional fees or credit any overpayment to Deposit Account Number 01-2384. A duplicate copy of this letter is enclosed.

Respectfully submitted,

  
\_\_\_\_\_  
John S. Beulick, Reg. No. 33,338  
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